





Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

IN RE: PETITION ZONING VARIANCE \*  
NW/corner of Elmwood and Meadow  
Roads (401 Elmwood Road) -  
14th Election District \*  
Ann Huth, \*  
Petitioner \*  
\* \* \* \* \*

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 84-210-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 25 feet instead of the required 30 feet. The purpose of her request is to construct a two-story addition to her home, more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property is zoned D.R.5.5. The Petitioner's recent marriage has increased her family, thereby creating a necessity for more room. There are three teenagers now living in the house and the additional space is mandated. The Petitioner proposes to construct a two-story addition to the rear of the dwelling, which is a duplex. The Petitioner's immediately adjacent neighbor has a 23' x 12' addition, the same size proposed by the Petitioner, which also required a variance. Additionally, there are at least three other neighbors on Elmwood Road who have additions. The Petitioner's property is a corner lot, fronting on Elmwood Road. The proposed addition cannot be built elsewhere on the property. If built on the side facing Meadows Road, the addition would obstruct traffic in both directions and not be compatible with the other similar additions. Because the house is a duplex, one side yard has been eliminated. The rear yard is the only available area in which to

The Petitioner seeks relief from Section 1802.3.C.1, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of February, 1984, that the Petition for Variance to permit a rear yard setback of 25 feet instead of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*[Signature]*  
Zoning Commissioner of  
Baltimore County

ORDER RECEIVED FOR FILING

DATE *February 29, 1984*

BY *[Signature]*

ORDER RECEIVED FOR FILING

DATE *February 29, 1984*

BY *[Signature]*

ORDER RECEIVED FOR FILING

DATE *February 29, 1984*

BY *[Signature]*

January 22, 1984

Ms. Ann Huth  
401 Elmwood Road  
Baltimore, Maryland 21206

#### NOTICE OF HEARING

Re: Petition for Variance  
NW/corner Elmwood & Meadow Roads  
(401 Elmwood Road)  
Ann Huth - Petitioner  
Case No. 84-210-A

TIME: 11:00 A.M.

DATE: Monday, February 27, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

cc: Security Builders, Inc.  
c/o Steven Feldman  
6660 Security Boulevard  
Baltimore, Maryland 21207

*[Signature]*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 124000

DATE *12/8/83* ACCOUNT *01-615-000*

AMOUNT *\$35.00*

RECEIVED FROM *Security Builders*

FOR *File for Petition # 146*

*[Initials]*

6 079\*\*\*\*\*350000 P06-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

February 21, 1984

Ms. Ann Huth  
401 Elmwood Road  
Baltimore, Maryland 21206

Re: Petition for Variance  
NW/cor. Elmwood & Meadow Rds.  
(401 Elmwood Road)  
Ann Huth - Petitioner  
Case No. 84-210-A

Dear Ms. Huth:

This is to advise you that \$38.64 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

*[Signature]*

LD JABLON

Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 126871

DATE *2-27-84* ACCOUNT *R-01-615-000*

AMOUNT *\$38.64*

RECEIVED FROM *Security Builders*

FOR *Advertising & Posting Case # 84-210-A*

*[Initials]*

6 037\*\*\*\*\*306410 5274A

VALIDATION OR SIGNATURE OF CASHIER

#### ZONING DESCRIPTION

BEGINNING at a point, N.W. corner of Meadow Road and Elmwood Road, thence by a curve to the left having a radius of 20 feet and an arch length of 31.42 feet, thence by a curve to the right having a radius of 463.39 feet an arch length of 66.80 feet, thence S 83 degrees 39 minutes 10 seconds W - 38.53 feet, thence S 18 degrees 18 minutes 20 seconds W - 89.89 feet, thence S 71 degrees 41 minutes 40 seconds E - 13.0 feet, thence by a curve to the left having a radius of 88.45 feet, an arch length of 68.30 feet to point of beginning.

February 29, 1984

Mr. & Mrs. Dayl C. Carlson, Sr.  
401 Elmwood Road  
Baltimore, Maryland 21206

IN RE: Petition Zoning Variance  
NW/corner of Elmwood and Meadow  
Roads (401 Elmwood Road) - 14th  
Election District  
Ann Huth, Petitioner  
Case No. 84-210-A

Dear Mr. & Mrs. Carlsons:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

*[Signature]*  
ARNOLD JABLON  
Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel



# PETITION FOR VARIANCE

14th Election District

ZONING: Petition for Variance  
 LOCATION: Northwest corner Elmwood and Meadow Roads (401 Elmwood Road)  
 DATE & TIME: Monday, February 27, 1984 at 11:00 A.M.  
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a rear yard setback of 25 ft. instead of the required 30 ft.

Being the property of Ann Huth, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
 ARNOLD JABLON  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY

Ms. Ann Huth  
 401 Elmwood Road  
 Baltimore, Md. 21206

Mr. Steven Feldman  
 Security Builders, Inc.  
 5550 Security Blvd.  
 Baltimore, Md. 21207

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Your petition has been received and accepted for filing this  
 20th day of January, 1984

ARNOLD JABLON  
 Zoning Commissioner

Petitioner Ann Huth  
 Petitioner's Attorney

Received by: Nicholas S. Commodari  
 Chairman, Zoning Plans  
 Advisory Committee

**Petition For Variance**  
 14TH ELECTION DISTRICT  
 ZONING: Petition for Variance  
 LOCATION: Northwest corner Elmwood and Meadow Roads (401 Elmwood Road)  
 DATE & TIME: Monday, Feb. 27, 1984 at 11:00 A.M.  
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Md.  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance to permit a rear yard setback of 25 ft. instead of the required 30 ft.  
 Being the property of Ann Huth, as shown on plat plan filed with the Zoning Department.  
 In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.  
 By Order Of  
 Arnold Jablon  
 Zoning Commissioner  
 Of Baltimore County

**The Times**

Middle River, Md., Feb 9 1984

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of 4 successive weeks before the 9th day of Feb 1984  
 S.D. W. J. Publisher.

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
 TO: Zoning Commissioner  
 Date: February 15, 1984  
 Norman E. Gerber, Director  
 FROM: Office of Planning and Zoning  
 SUBJECT: Ann Huth - 84-210-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber, Director  
 Office of Planning and Zoning

NEG/JGH/sf

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

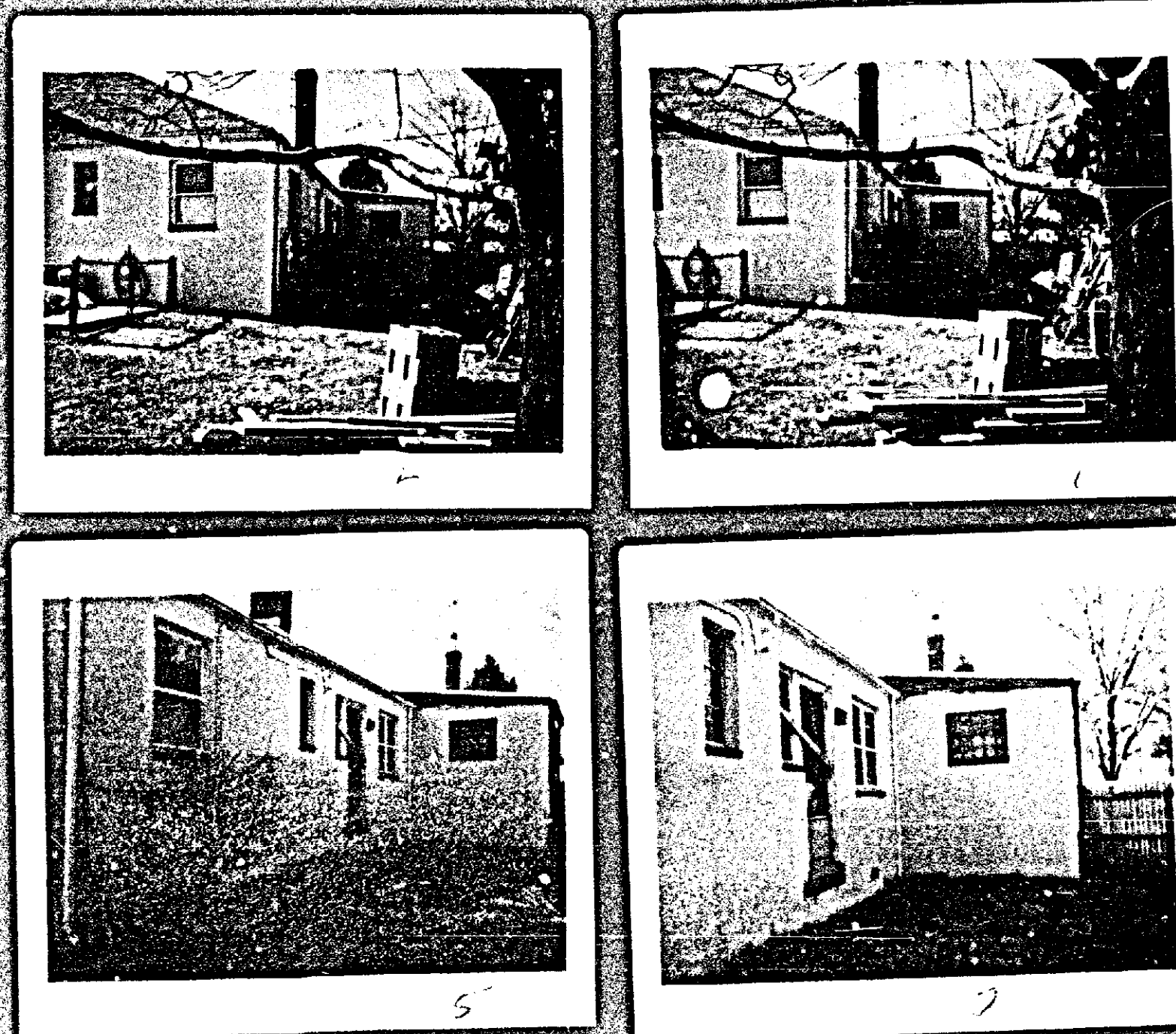
Arnold Jablon, Zoning Commissioner  
 TO: Office of Planning and Zoning  
 Date: February 13, 1984  
 FROM: Ian J. Forrest  
 SUBJECT: Zoning Variance Items  
 Meeting - December 20, 1983

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

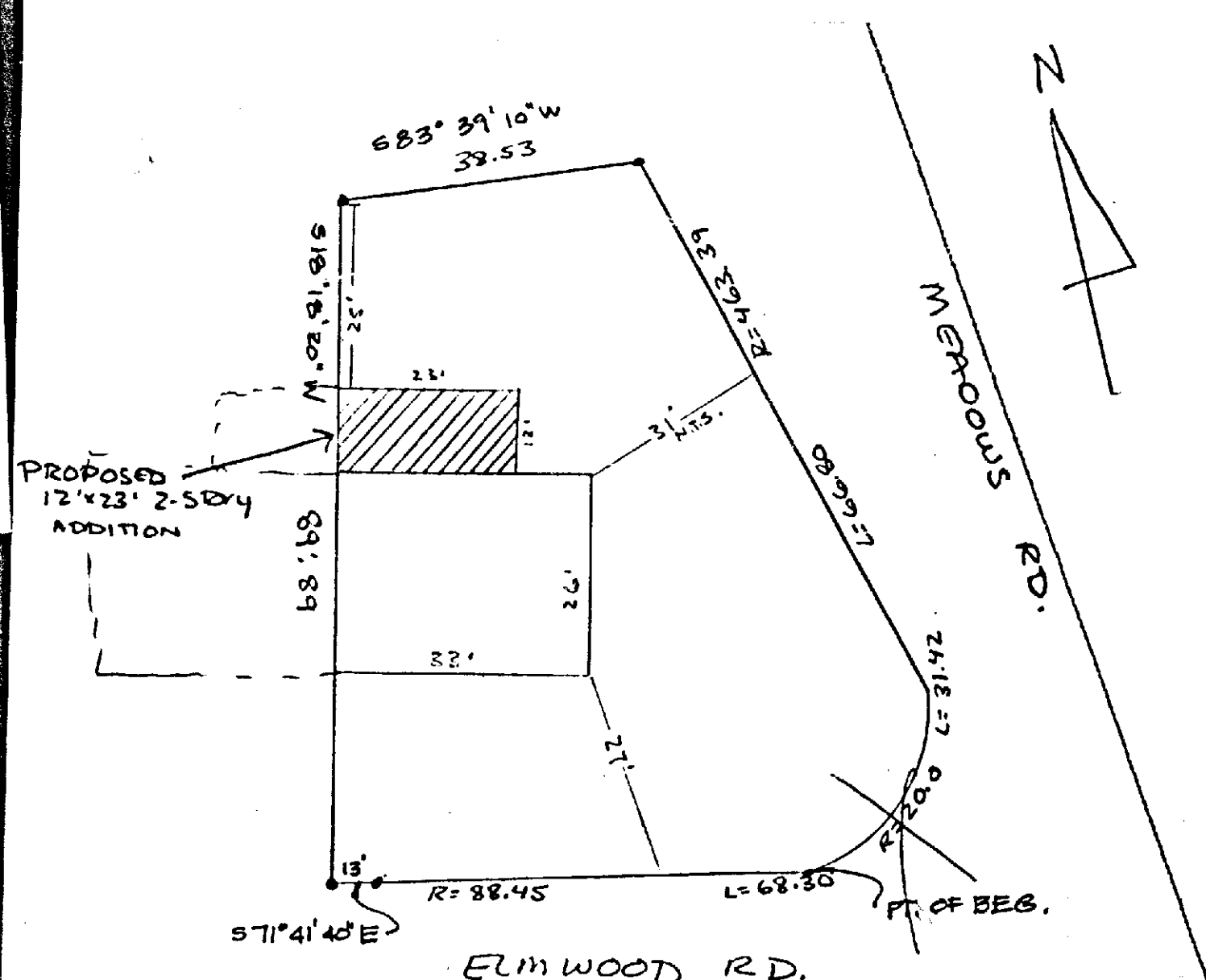
- Item # 143 - Michael Lasky
- Item # 144 - Martin K. Brushwiller
- Item # 145 - Ann Huth
- Item # 147 - Alvin Wagenheim, et al
- Item # 149 - R. William and Dorothy A. Callahan
- Item # 150 - Oliver Beach Improvement Assoc.

Ian J. Forrest, Director  
 Bureau of Environmental Services

IJF/rth



VICINITY MAP



PLAT FOR ZONING VARIANCE  
 OWNER - ANN HUTH  
 DISTRICT - 14, ZONED D.R. S.5  
 SUBDIVISION - ELMWOOD  
 SCALE - 1" = 20'

Item 1446

## CERTIFICATE OF PUBLICATION

TOWSON, MD., February 5, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 4 successive weeks before the 9th day of February, 1984, the 27th day of February, 1984, the 28th day of February, 1984, and the 29th day of February, 1984.

THE JEFFERSONIAN,

Dissemination

Cost of Advertisement, \$ 16.00

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14 Date of Posting: 2/12/84  
 Posted for: Petition for Variance  
 Petitioner: Ann Huth  
 Location of property: NW corner Elmwood & Meadow Rd.  
 Location of Signs: facing intersection of Elmwood & Meadow Rd.  
 Remarks:  
 Posted by: Ian J. Forrest Date of return: 2/16/84  
 Number of Signs: 4



